IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 24247 of 2007(J)

AGAINST THE ORDER IN I.A.7302 AND 7303/07 IN O.S.3433/2003 OF II ADDL.MUNSIFF COURT.,THRISSUR.

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PETITIONERS:

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1. **MUDAPPILAVE SREE MAHAVISHNU KSHETHRA SAMITHI, REPRESENTED BY T.N.BALAKRISHNAN, AGED 65 YEARS, S/O.THANIKKAPARAMBIL NARAYANAN, CHIYYARAM VILLAGE AND DESOM, THRISSUR TALUK.**

2. **MUDAPPILAVE SREE MAHAVISHNU KSHETHRA SAMITHI, REPRESENTED BY P.S.RAGHUNATH, AGED 46 YEARS, S/O.PERATH SANKARAN, CHIYYARAM VILLAGE AND DESOM, THRISSUR TALUK.**

BY ADV. SRI.P.VIJAYA BHANU,
SRI.M.GEORGE THOMAS.

RESPONDENTS:

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1. **SIJO KADAVIL, S/O.KADAVIL RAPPAI, CHIYYARAM VILLAGE AND DESOM, THRISSUR TALUK.**

2. **POLY, S/O.PURATTUKARA MIKHAYAL OUSEPH, CHIYYARAM VILLAGE AND DESOM, THRISSUR TALUK.**

3. **SATHEESAN, S/O.ARATTUPUZHA RAJAN, CHIYYARAM VILLAGE AND DESOM, THRISSUR TALUK.**

4. **MANOJ, S/O.ADATT KRISHNANKUTTY, CHIYYARAM VILLAGE AND DESOM, THRISSUR TALUK.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 24247 OF 2007 J

Dated this the 9th August, 2007.

JUDGMENT

This writ petition is filed challenging the order of the II Additional Munsiff, Thrissur in I.A.7302/07 and 7303/07. I.A.7302/07 is to direct the Village Officer, Chiyyaram to produce the sketch relating to survey 453 of the said village and a map as well. The other I.A is filed to direct the Cochin Devaswom Board to produce documents register relating to the land given to Asokeswaram Devaswom. The suit is with respect to a tank and the dispute is whether it belongs to the temple owned by the Devaswoma or it is a tank belonging to the corporation. It is true that there are laches on the part of the plaintiffs in not applying for the document in time. But the documents now sought to be summoned are very crucial documents which may have a direct bearing in the decision of the case. It is better that documents are permitted to be produced in cases at the trial stage itself instead of leaving open that contention to be raised in an appellate forum. Since I find that the documents are really relevant for a proper adjudication, I set aside the orders passed by the court below and direct the court below to summon those documents in accordance with the rules. Needless to say

that the plaintiff shall be more vigilant hereafter and co-operate with the court for an expeditious and speedy disposal of the matter. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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